

1 Marc Wolstenholme  
2 5 Shetland Close  
3 Coventry, England CV5 7LS  
4 Telephone: 044 7827964404  
5 Email: [marc@mvwolf-fiction.co.uk](mailto:marc@mvwolf-fiction.co.uk)  
6 Plaintiff in Pro Per

7 UNITED STATES DISTRICT COURT  
8  
9 CENTRAL DISTRICT OF CALIFORNIA

10 MARC WOLSTENHOLME,

11 Plaintiff,

12 vs.

13 RIOT GAMES, INC.,

14 Defendant

CASE NO. 2:25-CV-00053-FMO-BFM

HON. FERNANDO M. OLGUIN

PLAINTIFF'S MOTION FOR LEAVE TO  
FILE A SECOND AMENDED COMPLAINT

DATE: FEBRUARY 27, 2025

TIME: 10:00 A.M.

CRTRM: 6D

15 Dated this: JANUARY 29, 2025

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18 *M. WOLSTENHOLME.*

19 [MARC WOLSTENHOLME]  
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1                   **REQUEST FOR MOTION FOR LEAVE TO FILE A SECOND AMENDED**  
2                                           **COMPLAINT**

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5                   TO HONORABLE JUDGE FERNANDO M. OLGUIN AND THE COURT:

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7                   Plaintiff Marc Wolstenholme, proceeding pro se, respectfully moves this Court  
8 for leave to file a Second Amended Complaint (SAC) pursuant to Federal Rule of Civil  
9 Procedure 15(a)(2). To address the motion to dismiss filed by the Defendant (27 January 2025).

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11                   In support of this motion, Plaintiff states as follows:

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13                   **I. INTRODUCTION**

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15                   Plaintiff seeks leave to file a Second Amended Complaint in response to  
16 Defendant Riot Games, Inc.'s Motion to Dismiss, filed on January 27, 2025. Plaintiff believes the  
17 amendment is necessary to:

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20                   **Clarify Allegations** –The Plaintiff has filed many documentations of 100s of  
21 pages of evidence and has 100s more to compile. The Plaintiff has spent months addressing the  
22 concerns and sharing evidence with the Defendant who has been unwilling to address any of the  
23 Plaintiff's actual complaints, instead they have used trickery to circumnavigate the law and to  
24 prolong proceedings after threatening to have the case kicked out before any hearings. The  
25 Plaintiff is keen to satisfy both the law and the Judge. If the endless infringements need more  
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1 clarification, the Plaintiff asks only for the opportunity to access justice by refining his  
2 complaints to the judge's satisfaction.

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5 **Address Defendant's Arguments** –The Plaintiff believes he has already  
6 addressed all of the deficiencies cited in Riot Games' Motion to Dismiss in the amended  
7 complaint and in PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS -  
8 pre-emptive. Furthermore, in the DECLARATION OF MARC WOLSTENHOLME- Vi Vs  
9 Rook Overview Comparison, and in the many other documentations of PLAINTIFF'S MOTION  
10 IN LIMINE TO ADMIT EVIDENCE.

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13 **Provide Additional Evidence** –The Plaintiff has filed much evidence and has an  
14 abundance of more evidence to compile and filed with the court. If the Judge would like these to  
15 be reframed or added to, the Plaintiff is keen to satisfy the needs and processes of the court and  
16 Judge.

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19 However, the Plaintiff respects the court and the process and understands that this  
20 might not be to the satisfaction of the Judge. The Plaintiff also notes that the Defendant's  
21 manipulation, by holding back information of the purported deficiencies, till after the amended  
22 complaint, and their refusal to effectively communicate during conferences, and their refusal to  
23 address any of the Plaintiff's questions and concerns and complaints, has shaped this case, thus  
24 far and indeed, threatens to cause further harm in this case and to the Plaintiff.

1                   **II. LEGAL STANDARD**

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3                   Under Federal Rule of Civil Procedure 15(a)(2), courts should freely grant leave  
4 to amend when justice so requires. Courts generally permit amendments unless there is (1) undue  
5 delay, (2) bad faith, (3) repeated failure to cure deficiencies, (4) undue prejudice to the opposing  
6 party, or (5) futility of amendment. (Foman v. Davis, 371 U.S. 178, 182 (1962)).  
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8  
9                   In this case, none of these factors are present. Plaintiff's request is made in good  
10 faith, and amendment will allow for a more precise and complete record, facilitating the court's  
11 ability to make an informed ruling on the merits. The Plaintiff believes he has already addressed  
12 the purported deficiencies across several documents but understands that being uneducated in the  
13 skills and knowledge required has resulted in less concision and administrative weaknesses. The  
14 Plaintiff is keen to satisfy the court and Judge by filing a Second Amended Complaint (SAC).  
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18                   **III. REASONS FOR AMENDMENT**

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20                   Clarifying Key Allegations - Plaintiff's First Amended Complaint already alleged  
21 significant substantial similarities between Plaintiff's work and Defendant's animated series  
22 Arcane. However, the proposed Second Amended Complaint further strengthens these claims by:  
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25                   Providing specific textual and narrative elements that were copied.  
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27

1 Expanding on how Defendant had access to Plaintiff's manuscript through Riot  
2 Forge and Curtis Brown Group.

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4 Detailing additional comparisons between Bloodborg: The Harvest and Arcane.

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6  
7 Addressing Defendant's Motion to Dismiss Arguments

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9 Defendant claims Plaintiff has not sufficiently alleged substantial similarity or  
10 access. The SAC will include a refined comparison chart to directly refute this claim.  
11

12  
13 The amended complaint further clarifies copyright registration status, addressing  
14 Riot Games' assertion that statutory damages are unavailable.

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16 No Prejudice to Defendant- Defendant will not suffer undue prejudice if this  
17 motion is granted because:  
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19  
20 The case is still in its early stages, and no discovery has occurred.

21  
22 Riot Games has already responded to previous complaints by threats to have the  
23 case kicked out and is aware of Plaintiff's allegations.  
24

1           Allowing the amendment ensures the case is decided on its merits rather than  
2 procedural technicalities.

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4           Ensuring Fairness to a Pro Se Litigant

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7           Courts must liberally construe pro se pleadings (Haines v. Kerner, 404 U.S. 519  
8 (1972)).

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10           Plaintiff has made diligent efforts to comply with U.S. legal procedures despite  
11 being a UK citizen unfamiliar with U.S. court procedures.

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13           Plaintiff requests reasonable accommodations due to disabilities, as permitted  
14 under court policy.

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18           **IV. CONCLUSION**

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20           For the foregoing reasons, Plaintiff respectfully requests that, if the judge, or  
21 court, is unsatisfied with the filed documents and attempts of the Plaintiff, this Court grant leave  
22 to file a Second Amended Complaint.

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25           A Proposed Order and the Proposed Second Amended Complaint are attached in  
26 accordance with Local Rule 15-1.

Dated: January 29, 2025 Respectfully submitted, Marc Wolstenholme Plaintiff in

Pro Per.

Attachments:

Proposed Second Amended Complaint

Proposed Order Granting Leave to Amend

The Plaintiff, Marc Wolstenholme, M.W. Wolf.

Date: JANUARY 29, 2025

Signed: *M. WOLSTENHOLME.*